

Applicant: Philip J. Pietraski
Application No.: 10/698,721

REMARKS/ARGUMENTS

After the foregoing Amendment, Claims 1 – 5, 12 – 16 and 32 – 36 are currently pending in this application. Applicant submits that no new matter has been introduced into the application.

Claim Rejections - 35 USC §102

Claims 1, 12 and 32 stand rejected under 35 USC §102(e) as being anticipated by admitted prior art. Applicant respectfully disagrees.

The present invention is a method for improved channel quality indication in a dynamic link adapted wireless communication system. As presently claimed in claim 1, a receiver receives downlink data communication, performs at least one current quality measurement on the downlink communication to determine the current quality of the downlink data channel and derives from the current quality a predictive channel quality indication estimating the future quality of the downlink data channel. The receiver then transmits the predictive CQI to the transmitter.

Regarding claims 1, 12 and 32, the admitted prior art set forth in the background section of the present application discloses a CQI generation and reporting method between a UE and a NodeB in which the UE receives a downlink data transmission from the NodeB and makes selective quality measurements.

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Using the measurements, the UE derives a current CQI that would provide the highest throughput, while still meeting other possibly specified requirements such as a block error rate. The UE then reports the most recently derived CQI to the NodeB in the next available uplink control channel. (See paragraphs [0012] to [0017].

The CQI generation and reporting procedure set forth in the above cited portion of Applicant's Background section, does not disclose deriving a predictive channel quality indication, estimating the future quality of the downlink channel and transmitting the predictive CQI from the receiver to the transmitter.

As stated, the present invention derives a predictive channel quality indication, which estimates future quality of the downlink data channel, an element that is not suggested or taught by the prior art set forth in Applicant's background section. Accordingly, the present invention is not anticipated by the prior art disclosed in the background section of Applicant's specification. Based on the arguments presented above, withdrawal of the §102 rejection of claims 1, 12 and 32 is respectfully requested.

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Claim Rejections - 35 USC §103(a)

Claims 2 – 5, 13 – 16 and 33 – 36 have been rejected under 35 USC §103(a) as being unpatentable over admitted prior art of Applicant, in view of U.S. Publication No. 2004/0142698 (Bergel), U.S. Patent Publication No. 2003/0129992 (Koorapaty et al.), U.S. Patent No. 5,305,468 (Vruckert et al.). Applicant respectfully disagrees.

Neither Bergel, Koorapaty *et al.*, nor Vruckert *et al.*, disclose the derivation of a predictive channel quality indication estimating the future quality of the downlink data channel and transmitting this predictive CQI to the transmitter. Claims 2 – 5, 13 – 16 and 33 – 36 are dependent upon claims 1, 12 and 32 which Applicant believes are allowable over the cited prior art of record for the same reasons provided above.

Based on the arguments presented above, withdrawal of the §103 rejection of claims 2 – 5, 13 – 16 and 33 – 36 is respectfully requested.

Conclusion

If the Examiner believes that any additional minor formal matters need to be addressed in order to place this application in condition for allowance, or that a telephone interview will help to materially advance the prosecution of this application, the Examiner is invited to contact the undersigned by telephone at the Examiner's convenience.

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In view of the foregoing remarks, Applicants respectfully submit that the present application, including claims 1 - 6, 12 - 16 and 32 - 36, is in condition for allowance and a notice to that effect is respectfully requested.

Respectfully submitted,

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